

Remarks

The claims have been amended to provide further clarification and to provide adequate coverage for Applicants' contribution to the art. The amendments are clearly supported by the original disclosure, particularly at page 6, lines 25-31; page 7, lines 7-10; page 14, lines 23-28; page 16, lines 13-17; and page 15, lines 26-29.

The present invention provides an absorbent article (40) comprising a fluid permeable cover (62), a liquid impermeable baffle (64) and an absorbent (66) situated between the cover and the baffle. The absorbent article is configured for disposition within the vestibule of a female wearer, and the absorbent article further includes a principal longitudinal axis, a principal transverse axis, a body-facing surface, a surface opposed to the body-facing surface, a length, a width, a thickness, first (80) and second (82) spaced apart longitudinal sides, and at least one tab (94) extending outward from at least one longitudinal side. Further aspects are set forth in the specification and claims.

By incorporating its various aspects and features, the article of the invention can provide an easier disposition of a labial pad into a desired placement on the wearer, and/or can provide an easier removal of the labial pad. Additionally, the article can facilitate a more sanitary disposition of the labial pad into an appropriate position within the vestibule as well as a more sanitary removal of the labial pad from the vestibule.

Claims 1-5, 7, 9-10, 12-17, 19, 21-22, 24-29, 31 and 33-35 have been rejected under 35 U.S.C. § 102 as allegedly being unpatentable over U.S. Patent Number 6,007,528 to Osborn III (Osborn) which incorporates U.S. Patent Number 4,589,876 to Van Tilburg (Van Tilburg). This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

Osborn describes an absorbent article, preferably being a sanitary napkin that comprises a longitudinal centerline, a transverse centerline, a pair of longitudinal edges, two end edges, a first end region extending from one of the end edges toward the transverse center-line, and a second end region extending from the other end edge toward the transverse centerline. Also, there is a central region positioned between the first and second end regions. The sanitary napkin further comprises a first surface, a second surface that is faced opposite to the first surface wherein the flexure-resistance of the sanitary napkin as measured through the first and second end regions is greater than the flexure-resistance of the sanitary napkin as measured through the central region.

Van Tilburg describes a sanitary napkin which comprises a central absorbent pad and flaps extending from each longitudinal edge of the central absorbent pad. The body of each flap contains a flexible axis about which the flap can fold on itself. The sanitary napkin preferentially bends at the line of juncture between each flap and the longitudinal edge of the central absorbent pad. When

the sanitary napkin is in a panty for use, each flap bends upwardly at the lines of juncture between the flaps and the longitudinal edges of the central absorbent pad to form the base of a wall. This wall extends to the flexible axis in the body of the flap which is folded around the edge of the crotch portion of the panty. The sanitary napkin of the present invention provides effective protection to the user during the menstrual period by preventing body and clothing soiling while being comfortable to wear.

Osborn and Van Tilburg, however, do not disclose or suggest a labial pad having the dimensions and configurations called for by the currently presented claims. Neither do Osborn and Van Tilburg disclose or suggest a labial pad wherein the tabs (94) are configured to be grasped between the wearer's fingers; to hold the absorbent article (40) in a configuration folded along an axis positioned parallel to the principal longitudinal axis (L) prior to disposition within the vestibule (42); and to exert a force with a finger or fingers positioned in a recess (92) formed by the folded absorbent article, to dispose the folded article within the vestibule (42) by the wearer, as called for by the currently presented claims. Osborn and Van Tilburg also fail to disclose or suggest a labial pad that is configured to be grasped by the wearer's fingers form a recess (92) which protects the wearer's finger(s) from soiling when the absorbent article is disposed within the vestibule (42), as called for by the presented claims. As a result, when compared to the claimed invention, the structures taught by Osborn and Van Tilburg would be less able to provide a desired sanitary disposition of a labial pad into an appropriate position within the vestibule as well as a desired sanitary removal of a labial pad from the vestibule. It is, therefore, readily apparent that none of Osborn, Van Tilburg or any proper combination thereof would disclose or suggest Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 are respectfully requested.

Claims 6, 8, 11, 18, 20, 23, 30, 32 and 36 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over the previously cited U.S. Patent Number 6,007,528 to Osborn III (Osborn). This rejection is respectfully traversed to the extent that it may apply to the currently presented claims. For the reasons previously set forth in response to the Examiner's rejection under 35 U.S.C. § 102, it is readily apparent that Osborn fails to provide any meaningful suggestion regarding the further changes and modifications that are needed to synthesize the distinctive configurations called for by the currently presented claims. To the contrary, Osborn teaches structures having flaps that are configured to be folded around the edges of a crotch portion of a panty. As a result, Osborn clearly teaches away from Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 are respectfully requested.

In view of the above remarks, it is respectfully submitted that all of the currently presented claims are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections, and allowance of the currently presented claims are earnestly solicited.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. to deposit account number 11-0875.

The undersigned may be reached at: 920-721-2435.

Respectfully submitted,

RONALD L. EDENS ET AL.

By: 

Paul Yee

Registration No.: 29,460

Attorney for Applicants

CERTIFICATE OF MAILING

I, Judith M. Anderson, hereby certify that on July 24, 2003 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Judith M. Anderson